

**REMARKS**

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 37-38 are added and no claims are canceled or amended (claims 13-18 and 30-33 were previously canceled). As a result, claims 1-12, 19-29 and 34-38 are now pending in the application.

In the Office Action of May 18, 2006, claims 1-7, 19, 22-23 and 34-36 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 5,737,029 (Ohkura) further in view of U.S. Patent 5,798,785 (Hendricks) and yet further in view of U.S. Patent 5,734,589 (Kostreski). Claims 8-12, 24-25 and 28-29 are rejected under 35 U.S.C. §103(a) in view of the Ohkura patent further in view of the Kostreski patent. Claims 20-21 are rejected in view of the Ohkura patent further in view of the Hendricks yet further in view of the Kostreski patent and yet even further in view of U.S. Patent 6,002,394 (Schein).

*35 U.S.C. §103 Rejections in view of Ohkura/ Hendricks/ Kostreski/ Schein*

The various §103(a) rejection of claims 1-12, 19-29 and 34-36 in view of hypothetical combinations of Ohkura, Hendricks, Kostreski and Schein are respectfully traversed.

The present application discusses several types of favorite channel lists, including a theme-based favorites list (see page 11 of specification) and a usage-based favorites list (see page 12). For a usage-based favorites list the system monitors the usage habits of the user to determine the user's usage-based preferences. A usage-based favorites list differs from a theme-

based favorites list. For a theme-based favorites list the user specifies the type of events that the user wishes to include in the list and the system determines what channels are showing an event of that type and includes those channels on the theme-based favorites list. The Ohkura patent involves a usage-based favorites list not a theme-based favorites list. In fact, this is explained in the passage relied upon in the rejection:

The favorite program guide list reveals the affair as to how often the user has watched programs of what category in each time band. ... The record of this example reveals that the user has watched news programs in the time band of 6:00—6:30 through channels 35, 36, 25, 6 and 113 in this order of frequency.<sup>1</sup>

Hence, the Ohkura patent does not teach the use of theme-based favorites lists. In the event this rejection is maintained, it is respectfully requested that the next Office Action identify those passages of the Ohkura patent that are being construed to purportedly teach a theme-based favorites list.

The Hendricks patent is also cited in the pending rejection. However, the Hendricks patent does not overcome the deficiencies of Ohkura. Hendricks involves a terminal for suggesting programs offered on a television program delivery system. Like the Ohkura patent, the system described in Hendricks gathers information on how often a user watches programs, as can be seen in block 1238 of Figure 12. The Hendricks system also gathers personal profile information for the user and gathers mood information concerning the user for use in suggesting programs the user may like to see. Consequently, the Hendricks system does not produce a theme-based favorites lists based on a user specified theme.

The Kostreski patent is also cited in the pending rejection. However, the Kostreski patent also fails to overcome the deficiencies of the Ohkura patent. Kostreski involves a digital

entertainment terminal with channel mapping. The Kostreski system can control the formatting of different types of graphics displays overlaid on video programming for different services, can specify different definitions for input keypad functions, can specify security procedures, and can enable operation of associated peripheral devices such as credit card readers. However, the Kostreski system does not produce a theme-based favorites lists based on a user specified theme.

The Schein patent is also cited in the pending rejection. However, the Schein patent also fails to overcome the deficiencies of the Ohkura patent. The Schein patent involves systems and methods for linking television viewers with advertisers and broadcasters, and allows viewers to link and search information on the Internet. The Schein patent does not teach a theme-based favorites lists based on a user specified theme.

Consequently, it is submitted that none of the cited patents teach or suggest “system for managing favorite channels based on a user specified theme” and “means for identifying said one or more logical channels which relate to the user specified theme” as recited in claim 1. None of the cited patents teach or suggest “one or more favorite channel lists, the favorite channel lists comprising one or more logical channels relating to a user specified theme,” as recited in claim 8. None of the cited patents teach or suggest “a computerized system to dynamically manage favorite channel lists relating to a user specified theme” and “identifying one or more channels showing an event of a user specified theme,” as recited in claim 19. None of the cited patents teach or suggest “performing the steps of identifying one or more logical channels showing an event of a user specified theme and automatically adding, without user intervention, each one of the channels in a favorite channel list comprising one or more logical channels,” as recited in

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<sup>1</sup> Ohkura, col. 8, lines 8-21.

claim 24. None of the cited patents teach or suggest “identifying one or more logical channels showing an event of a user specified theme” and “automatically adding each one of the channels in a favorite channel list comprising one or more logical channels, wherein such adding does not require user intervention,” as recited in claim 25.

Accordingly, the Ohkura patent, the Hendricks patent, the Kostreski patent and the Schein patent, either taken singly or in various hypothetical combinations, do not teach the features of the claimed invention. Therefore, withdrawal of the rejection is requested.

*Deposit Account Authorization / Provisional Time Extension Petition*

It is believed that no extension of time is required for this paper. However, to the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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